

MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY

REQUEST FOR PROPOSALS AND QUALIFICATIONS FOR GROUNDWATER SUSTAINABILITY AGENCY LEGAL SERVICES

INTRODUCTION

The Mound Basin Groundwater Sustainability Agency (Agency) is seeking proposals and statements of qualification submittals from attorneys or firms with experience representing public agencies to provide General Counsel legal services for the Agency.

The Agency is primarily interested in a firm's or attorney's experience in relation to general counsel needs and water law, specifically related to the Sustainable Groundwater Management Act. The legal services provided may include general public agency governance, public meetings and public records issues, water rights, intergovernmental agreements with other groundwater sustainability agencies or public agencies, revenue options, and public contracting issues. Preference will be given to local respondents.

A firm or attorney selected as General Counsel will serve at the pleasure of the Board of Directors of the Agency. If the Agency determines to award a contract for general counsel legal services as a result of this RFP, it will enter into a contract establishing the terms and compensation for the subject services. All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Offeror and will not be reimbursed by the Agency.

BACKGROUND INFORMATION

On September 14, 2014, Governor Brown signed into law three bills collectively referred to as the Sustainable Groundwater Management Act (SGMA). SGMA requires the formation of groundwater sustainability agencies (GSAs) in state-designated medium and high priority basins. The Agency is comprised of one medium priority basin (Mound basin ID No. 4-004.03). As authorized by SGMA, the GSA-eligible entities – the City of Ventura, the County of Ventura and United Water Conservation District - have formed a Joint Powers Authority with the intent to work together with local stakeholders to implement the requirements of SGMA.

The Agency was formed for the purpose of developing, adopting, and implementing a Groundwater Sustainability Plan for the Mound basin in order to implement SGMA's requirements and achieve the sustainability goals outlined in SGMA.

The Agency intends to coordinate its activities to involve the public and local stakeholder through outreach and engagement in developing and implementing the GSP.

SCHEDULE

To the extent achievable, the following schedule shall govern the RFP. The Agency reserves the right to modify the dates below.

- Availability of the Request for Proposals and Qualifications: January 10, 2018
- Deadline for Submission of Interpretation and/or Questions: January 26, 2018

Questions should be submitted to Jennifer Tribo, Interim Executive Director for the Mound Basin Groundwater Sustainability Agency at jtribo@venturawater.net

- Closing Date for the receipt of the Request for Proposals and Qualifications: February 9, 2018 by 5:00pm.

QUALIFICATIONS

1. Firm or individual attorney must have at least 10 years of public law experience representing public agencies, special districts, municipal governments, or joint powers authorities in California.
2. All attorneys performing services must be admitted to practice in the State of California and be members in good standing with the State Bar of California.
3. The attorney with primary responsibility for the services provided to the Agency (“Lead Counsel”), must have at least ten (10) years of experience providing general counsel legal services for local public agencies, special districts, or municipalities.
4. Demonstrated legal expertise in the following practice areas as they relate to public agencies, special districts, municipal governments, and joint powers authorities in California:
 - a. General Counsel - Laws and regulations that pertain to the governance of public entities including, but not limited to, California joint powers authorities, special districts, water districts, irrigation districts and municipalities. The relevant laws and regulations include, but are not limited to, the Ralph M. Brown Act; Public Records Act; Political Reform Act; conflicts of interest laws; general public entity and municipal law; the California Government Code and California Water Code; public agency bylaws and policies; public contracting and procurement processes and operating procedures; and rules of order relative to the conduct of joint powers authorities, special districts, water districts, irrigation districts and municipalities.

The types of services may include some or all of the following:

- Review, draft, and negotiate contracts.

- Advise on Agency legal matters
 - Advise on labor and employment matters
 - Review personnel, fiscal, and other policies
 - Develop Agency bylaws
 - Attend Agency Board of Director meetings and other meeting as directed by the Board of Directors
 - Advise on government grant and contract issues
 - Advise on responses to subpoenas, court orders, and requests for information from third parties
 - Defend lawsuits, administrative claims, or other legal claims
 - Conduct litigation as necessary
 - Other legal services as deemed necessary by the Agency
- b. Special Counsel – In addition to the General Counsel expertise, it is desirable for the selected law firm to have expertise in a few specialty areas, including, but not necessarily limited to:
- Sustainable Groundwater Management Act.
 - Water rights matters in state courts and before the State Water Resources Control Board.
 - Public financing and revenue mechanisms, including experience with Propositions 26 and 218. Environmental law, including: California Environmental Quality Act (CEQA); National Environmental Policy Act (NEPA); California and federal Endangered Species Acts; federal Clean Water Act and the California Porter-Cologne Water Quality Act.
 - Governance of public agencies, special districts, municipalities, and joint powers authorities, including amendments and bylaws, and experience interfacing with counsel for joint powers member agencies.
 - Other relevant areas pertaining to special district and public entity law.
 - It is permissible for a firm to submit their proposal and qualifications based on the strength of their public agency/general counsel experience, and to team with other law firms to provide the Special Counsel expertise. In this scenario, however, it is expected that the Lead Counsel will have a working knowledge of SGMA and that the qualifications of the firm proposed to provide Special Counsel expertise be a part of the submittal package.

5. Lead Counsel shall typically attend all Governing Board meetings, and the attorney must be accessible to provide legal assistance to the Agency on an urgent basis, from time to time.

SUBMISSION REQUIREMENTS

Submission Materials and any questions should be sent to Jennifer Tribo, Interim Executive Director for the Mound Basin Groundwater Sustainability Agency at jtribo@venturawater.net.

- Cover letter (no longer than 2 pages) - The cover letter should convey a clear understanding of the requirements and objectives, and why the Respondent is uniquely qualified to be awarded a contract.
- Respondent's Qualifications - Summary of overall qualifications and experience of the Respondent. It is expected that the firm will describe its organization, size, structure, areas of practice, and office locations.
- Proposed Respondent Team - The Proposal shall identify the Lead Counsel who will be primarily responsible for providing legal services to the Agency, and other attorneys and staff to be assigned to the Agency's legal matters. Please include the qualifications, training, and certifications of Lead Counsel, and all other attorneys and staff who will perform the services outlined herein. Particular emphasis should be placed on those attorneys likely to be assigned to the representation.
- Fee Schedule - This section should identify the billing rates for listed personnel, as well as other costs or expenses that would be charged in conjunction with the work. The Offeror is free to propose alternative billing structures (e.g., monthly flat fee for attending Agency Board of Director meetings and advising on routine matters that do not require extensive research or other legal work) for consideration by the Agency. The Agency reserves the right to negotiate with the Offeror on the structure of the billings.
- Conflicts - This section should identify whether Respondent anticipates it would need to obtain conflict waivers from any existing clients and how Respondent anticipates addressing any potential conflicts with respect to any Member or Stakeholder entity and/or between GSAs.
- References - The names, addresses, and telephone numbers of three (3) public agency clients who have contracted with the Respondent for services similar to those described in this RFP within the last five years.

SUBMITTALS

One original and two (2) copies of the Proposal and Statement of Qualifications should be mailed to:

City of Ventura
Attn: Jennifer Tribo
336 Sanjon Road
Ventura, CA 93002

and be clearly marked “RFP LEGAL SERVICES” on the outside of the mailing envelope.

EVALUATION CRITERIA

The Agency Board of Directors and select staff will review the proposals and make recommendations for final approval. The Agency Board of Directors may request an interview meeting and/or responses to written questions with some qualified Offerors prior to final selection. The proposals will be reviewed with the following general criteria:

- Level of experience and competence of the individual proposed as Lead Counsel with respect to the key areas of service identified in the Qualifications.
- Level of experience and competence of the individual/firm proposed as Special Counsel for each of the major issue categories. What is the working relationship between the Lead Counsel’s firm and Special Counsel’s firm if they are different?
- Proposed approach to the scope of work.
- Offerors experience with similar clients and legal matters.
- Reference recommendations.
- Potential conflict of interest issues with Offeror’s other clients.
- Comprehensive rates.
- Interviews/responses to written questions (if conducted)